

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
MAY 1, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:30 PM. Mayor Morren led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Morren stated that the meeting has been properly advertised in the December 17, 2005, issue of the Somerset Messenger Gazette and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Mr. Brian Griner-present, Mr. Brad Merritt-present, Ms. Eileen Uhrik, Mr. Edward Zimmerman-present.

Absent: Mr. Jared Witt

Also present: Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner, Borough Auditor Bob Morrison

**APPROVAL OF MINUTES**

Regular Minutes – April 17, 2006 - Motion to approve the minutes was made by Merritt with a second by Uhrik. Motion carried on roll call vote – all ayes; Batchelder-abstain.

**PUBLIC COMMENTS**

Courtney White, resident, requested the use of the Borough grounds for the Fourth of July celebration (to include a parade and picnic) planned by the Community Group to be held on July 1<sup>st</sup> from 4:00 to 8:00 PM, noting a change in time from previous years. Motion was made by Batchelder with a second by Merritt to grant the request allowing the community group to choose hours of convenience to them. Motion carried on roll call vote – all ayes. Ms. White's request concerning upcoming WAWA meetings to be addressed during the "communications" portion of the meeting.

Hearing no other comments/questions, the floor was closed to the public.

**ENGINEER'S REPORT**

Engineer Tanner's report dated April 27, 2006, for April 2006, was distributed (copy on file in Borough Clerk's Office. The following items were discussed:

Princeton Gamma Tech – Engineer Tanner advised a letter is being prepared to the EPA addressing the outstanding issues: level in the Borough well at which their pumping operation should cease; compensation for past expenses of the Borough and future expenses if they become necessary. In regard to the TCE levels, Engineer Tanner will also inquire as to a determination that should be made as to the level at which we can strip per Councilman Batchelder's request.

Princeton Ave. Sidewalks/Montgomery Ave. /Sidewalk Repairs – These projects are out to bid with a return date of May 10, 2006. An agreement has been reached with Ms. Soika of Princeton Ave. to include provisions for landscape plants to be planted in a bed along the sidewalk.

Tier B Permit – annual report has been submitted to the State; changes to the ordinance are underway.

2006/2007 NJDOT Local Aid – Proposed projects will include Hickory Court and a sidewalk along Washington St. All were in agreement that Grove St. should be included on the list of requests.

Brush Pick-up – All were in agreement with Engineer Tanner's recommendation to wait until the end of summer (closer to the fall when this project is usually done) to bid this project in anticipation of lower fuel prices. It was further agreed that the fall projects be scheduled in the following order: clean-up, brush pick-up, leaf pick-up.

Municipal Recreation Shelter – Engineer Tanner provided Mayor and Council with a status update on the recently received recreation shelter. Construction and electrical issues as presented by the code officials are currently being addressed.

**Public Comment:**

Mark Germaine, 15 Washington St. – questioned whether the proper grounding/drains have been considered for the gazebo structure at VanHorne Park. Engineer Tanner advised this issue falls under the jurisdiction of the construction official.

Courtney White, resident – In response to Ms. White's suggestion that ARC residents be considered for possible maintenance duties at VanHorne Park, she was advised that this option is currently being considered.

## **APPROVAL OF VOUCHERS/BILL LIST**

### **Resolution**

WHEREAS, the Treasurer has certified that sufficient funds are available to pay said vouchers, BE IT, THEREFORE, RESOLVED, that the following vouchers be approved for payment. Motion to approve the resolution was made by Batchelder with a second by Merritt. Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List).

## **COMMITTEE REPORTS:**

**Administration & Records** – No report at this time.

**Buildings & Grounds** – Mr. Zimmerman reported that cables need to be run from the Court Administrator's Office to the meeting room in order to complete the connection for the computer. Authorization was granted by way of motion by Zimmerman with a second by Merritt for the expenditure of up to \$300.00 to have the cables run to the meeting room. In addition, a line/conduit will be run to the Borough Clerk's Office for networking of that equipment to the meeting room computer. In regard to a recent proposal by the NJSP for a substation at Borough Hall, Mr. Zimmerman advised that the transfer of stored records and renovations to the storage room will need to be made to accommodate this request. Councilman Zimmerman requested that any suggestions in accommodating this request be forwarded to him. The target date is June/July per the NJSP. Court scheduled for May has been cancelled; the next Court date will be held in June.

**Finance & Insurance** – Mr. Batchelder advised the budget is anticipated to be adopted this evening. Once approved, monthly reports will be provided by the CFO.

**Public Safety & Emergency Services** – Mayor Morren and Councilman Zimmerman reported on a recent meeting held with NJSP Major MaryBeth *Mahlmann*. Major *Mahlmann* advised that a trooper will be assigned to Rocky Hill Borough seven days a week from 6:00 AM to 6:00 PM (which will include travel time to and from the Kingwood Barracks, Hunterdon County, which will be station serving Rocky Hill starting in June/July). A substation is being requested at Borough Hall. The NJSP will provide computers for their personnel. A State Police sign will be placed on the building. It is anticipated that the trooper on duty will be serving on foot patrol as well as tactical patrol of the Borough. In response to questioning by Councilman Griner regarding monthly activity reports and attendance at Council meetings, these issues should be referred to the Kingwood Barracks Station Commander. Adequate communications between the NJSP and Somerset Communications will also need to be addressed. A constables' report was provided to Councilman Griner.

**Streets & Roads** – Councilwoman Uhrig advised the pothole in front of 55 Washington St. has been repaired; pedestrian signs will be installed soon.

**Water, Sewer & Environmental Protection** – No report was received from the Wtr/Swr Superintendent.

**Council Representative to Planning Board** – Councilman Batchelder attended the April 11, 2006, meeting of the Board and reported on two applications that were approved for alterations/renovations. Hearing on the Schafer/Polte project is carried to next Thursday.

**Council Representative to School Board** – Councilman Zimmerman reported on the recent election and appointments to the school board.

**Council Representative to Board of Health** – In regard to the recent sewer odor being reported, Councilman Merritt advised that a substance was put in the lines by the sewer plant to kill bacteria which subsequently produced the odor. It was noted that this problem seems to occur every spring. Mr. Merritt will inquire further as to whether this process is done every spring. Also noted was that the grease traps were checked and nothing found there. The public was advised to contact Montgomery Township Police or Councilman Merritt of any future occurrences of the odor. Councilman Merritt advised that a West Nile Virus letter from the Board of Health was distributed via the community group. Also discussed at the Board of Health meeting, was the opportunity to have a Board of Health member on the VanHorne Committee to address safety and health issues at the park. Councilman Merritt will contact Karen Zimmerman with this proposal providing a BOH representative based on approval by Mayor Morren.

**Zoning Official** – Activity Report for April 2006 was provided by Zoning Official Larry Raffaelli (copy on file in Borough Clerk's office).

**Grants Committee** – Councilman Griner reported that the Grants Committee will be meeting once per month. The Reformed Church will be apprised of an available grant through NJ Historic Trust. Interest was expressed for the need for grant writers.

## **SPECIAL BUSINESS:**

### **ORDINANCE #3 – 2006 – CALENDAR YEAR 2006 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK – PUBLIC HEARING/SECOND READING - ADOPTION**

Ordinance #3-2006 as filed in the Borough Clerk's Office was read by title. Mayor Morren opened the floor to the public for comments. Hearing none, the floor was closed. Motion to approve was made by Merritt with a second by Batchelder. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrig-aye, Zimmerman-aye. Motion carried. (Appendix #3)

**ADOPTION OF 2006 MUNICIPAL BUDGET RESOLUTION**

A summary of the 2006 municipal budget was provided by Borough Auditor Bob Morrison to include an explanation for the municipal rate increase of .04 cents. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion to adopt the resolution was made by Batchelder with a second by Merritt. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Zimmerman-aye. Motion carried. (Appendix #4)

**ORDINANCE #2 – 2006 – ORDINANCE GRANTING A TWENTY (20) YEAR NON-EXCLUSIVE FRANCHISE TO SUNESYS, INC. FOR THE USE OF A LIMITED PORTION OF THE BOROUGH OF ROCK HILL’S PUBLIC ROAD RIGHTS-OF-WAY FOR THE PURPOSE OF TELECOMMUNICATIONS TRANSMISSION SERVICE - PUBLIC HEARING/SECOND READING - ADOPTION**

Ordinance #2-2006 as filed in the Borough Clerk’s Office was read by title. Mayor Morren opened the floor to the public for comments. Mr. Cliff Moore requested information pertaining to the time frame for the construction of this project. Ms. Peggy Harris was provided with information regarding fees being collected by the Borough for this project. Hearing no other questions/comments the floor was closed. Motion to approve was made by Zimmerman with a second by Merritt. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Zimmerman-aye. Motion carried. (Appendix #2)

**Resolution/Paychecks, Inc.** – Resolution authorizing CFO Bobal to establish a separate payroll account with Amboy National Bank was provided. Borough Auditor Morrison responded to questioning by Council regarding this process. It was noted that one signature only (by CFO Bobal) on the payroll checks will be acceptable in this instance, and the funds will be encumbered in advance of issuance of the payroll checks with a monthly report being provided by the CFO to Council reflecting the transfer of funds and payroll distribution. Motion to approve was made by Zimmerman with a second by Merritt. Motion carried on roll call vote – all ayes. (Appendix #5)

**Open Space Tax Proposal** – Attorney Cruz and Auditor Morrison will further discuss this proposal for possible action at the next meeting.

*(Agenda order of business changed at the direction of Mayor Morren)*

**UNFINISHED BUSINESS:**

**Resolution/Interlocal Services Agreement for Police Services - South Bound Brook Police Department** –

The floor was opened to the public by Mayor Morren.

Dr. Ronnie Davidson, Princeton, NJ – Dr. Davidson appealed to Mayor and Council to not renew the contract with the South Bound Brook Police Department. Dr. Davidson’s request is based on the recent carjacking incident in Franklin Township involving her late husband and the response by a South Bound Brook Police Department officer while on patrol in Rocky Hill.

Courtney White, resident – expressed her condolences to Dr. Davidson but requested the Borough not be held accountable.

Peggy Harris, resident – reaffirmed the sentiments of Ms. White but also offered that the presence of the SBB police has proven to be a tremendous benefit to the community in helping with the many traffic problems previously experienced, i.e. traffic calming, passing of school buses, etc.

Gabrielle Dietrich, Merritt Lane resident – expressed her condolences and was provided information on how incidents occurring in the future will be handled by South Bound Brook and the State Police.

Mark Germaine, 15 Washington St., resident – commented on the favorable response by Chief Verry at the last meeting regarding the safety of the residents.

Larry Raffaelli, Washington St. resident – expressed his condolences to Dr. Davidson but reaffirmed the positive impact on the community relative to traffic calming since the presence of the SBB police within the Borough.

Hearing no further comments/questions, the floor was closed.

**Borough Council Comments:**

Councilman Merritt reaffirmed his concern with the way the incident involving Dr. Davidson’s husband was handled and related his concerns/questions to Chief Verry at the last meeting further stating the individual officer involved should be held accountable. Mr. Merritt expressed his support of retaining the services of the SBB Police Department.

Councilman Griner was provided with clarification regarding the termination clause contained within the agreement. Typographical error under #3 – Term - "...and conditions of **Section 10**..." to be corrected to "...**Section 9**..."

Councilman Zimmerman commented that the Borough should not be left without a police force. Mr. Zimmerman referenced the new proposal being offered by the NJSP for more coverage for the Borough noting that if a favorable presence is maintained, a continued contract with SBB might be reconsidered.

Motion to approve the resolution and interlocal services agreement was made by Zimmerman with a second by Batchelder. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrick-aye, Zimmerman-aye. Motion carried. (Appendix #6)

**Form of Indemnification of Officials and Public Employees** - Attorney Cruz will provide for next meeting.

### **COMMUNICATIONS:**

Communications as listed on the agenda were discussed, disseminated and/or ordered filed.

- Letter was received by resident Gabrielle Dietrich expressing concern with the removal and/or cutting of trees thus offering a suggestion for the consideration of a tree ordinance. Also discussed were the procedures being followed by the utility companies in trimming back trees. It was agreed to review similar ordinances from other towns (Princeton ordinance provided) and to confer with Marilyn Crane of the Shade Tree Commission. Discussion to be carried.
- Request was received from the nursery school to hold a retirement celebration on the Borough grounds on June 3, 2006, from 3:00 to 6:00 PM. Motion authorizing same was made by Zimmerman with a second by Merritt. Motion carried on roll call vote – all ayes.
- Letter dated April 27, 2006, from Borough Clerk Raymond Whitlock advising of his resignation as Borough Clerk effective July 1, 2006, was received. Mr. Whitlock further expressed his recommendation of the appointment of Deputy Clerk Donna Griffiths to the position of Borough Clerk. Mr. Whitlock offered to remain as Deputy Clerk in helping with the transition. Based on Clerk Whitlock's recommendation, it was agreed to defer action to the June meeting.
- LOSAP List 2006 Contributions for Year 2005, dated April 17, 2006, from Clerk Whitlock was distributed.
- Letter as received from Consulting Attorney Susan Lawless regarding a status report on the WAWA application was read into the record by Mayor Morren. Noted was the Montgomery Township Committee's decision that no new ordinances removing the 500 ft. public building stipulation will be introduced. Copy of letter to the Montgomery Township attorney from Borough Attorney Cruz including a copy of the Borough's "Wellhead Ordinance" was received.

### **NEW BUSINESS:**

**Somerset County Office of Emergency Management – National Incident Management System (NIMS)** – Councilman Merritt advised of NIMS mandatory training required for elected officials by September 2006. Councilman Merritt is available to conduct the training for Mayor and Council. Attorney Cruz will confirm that the training complies with the provisions of the Open Public Meetings Act.

### **PUBLIC COMMENT**

Courtney White, resident – In regard to questioning as to upcoming WAWA meetings, Mayor Morren will provide an update of the meetings upon receipt of same.

Mark Germaine, 15 Washington St. – addressed the issue of a representative from the Board of Health being on the VanHorne Park Committee and offered suggestions to be considered, i.e. rescue, injuries to children, first aid kit/station, etc.

### **ADJOURNMENT:**

Motion to adjourn the meeting at 9:45 PM was made by Griner with a second by Zimmerman. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths  
Deputy Clerk